



U.S. Department of Justice

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90-7-1-21

US LPA RECORDS CLNTFR REGION 5



515119

Washington, D C 20530

September 30, 1983

Becky A. Comstock, Esq.
Dorsey & Whitney
2200 First Bank East
Minneapolis, Minn. 55402

Re: United States v. Reilly Tar & Chemical Corp.

Dear Becky:

I am writing to correct certain misimpressions in your letter to me of September 21, 1983. First, with respect to the production of USGS documents on October 5, I did not indicate that you could freely examine all USGS files. You will be directed to certain specific USGS files which contain documents responsive to Reilly's first document request. These files may also contain documents which you have already seen and documents which are irrelevant. These files are being presented in the manner they are maintained. However, you will not be free to open every drawer at USGS. Marc Hult will be present.

Second, I did not agree to provide a list of documents withheld from USGS. I will provide a generic description of the type of documents withheld. I mentioned this to Ed Schwartzbauer on September 28 and he agreed.

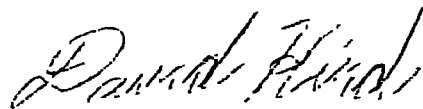
With respect to the United States' request for documents concerning the ERT request, I discussed this matter with Ed Schwartzbauer under Rule 4 on September 28, 1983. Ed agreed to produce the documents requested at the places they are located. These documents would include all of those prepared from July 22, 1982 to May 19, 1983. The only exceptions which Ed mentioned were Dorsey & Whitney's instructions to the consultants and the Andelman and Santodonato documents. Ed would review the Andelman and Santodonato documents and tell me whether they will be produced. Ed will not produce instructions given to ERT by Reilly's lawyers. I informed Ed that I would move to compel the production of these documents.

Ed also agreed to call me in the near future to establish production dates. As mentioned in Bob Leininger's letter of September 29, the extended date for production by Reilly has already been passed.

Sincerely yours,

Assistant Attorney General
Land and Natural Resources
Division

By:



David Hird, Attorney
Environmental Enforcement Section

cc: Edward J. Schwartzbauer, Esq.
Wayne G. Popham, Esq.
Stephen Shakman, Esq.
Robert E. Leininger, Esq.
Roger Grimes, Esq.
Deborah Woitje, Esq.

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